

Pasco Sheriff's Office
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ADMINISTRATIVE INVESTIGATIVE REPORT

Case# IA 2019-015

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INVESTIGATOR

<u>Name</u>	<u>Rank</u>	<u>Location</u>
Jay Scott	Detective	Professional Standards

INVESTIGATION

On April 30, 2019, Detective Jay Scott, of the Pasco Sheriff's Office Professional Standards Unit was assigned an investigation concerning:

Corporal Jonathan Cross
Investigations and Intelligence Bureau – School Resource Officer

Member Background:

Jonathan Cross began his employment with the Pasco Sheriff's Office on September 12, 2005. In the past two years, there are no documented instances of Cross receiving Informal Discipline.

In the past three years, there are no documented instances of Cross receiving Formal Discipline in reference to violations of Sheriff's Office policies or procedures via administrative documentation received by the Professional Standards Unit as of the date of this completed investigation.

Summary of Allegation(s):

Allegation A

On April 30, 2019, Corporal Jonathan Cross was at his scheduled work assignment as the School Resource Officer at Thomas E. Weightman Middle School. At approximately 1139 hours, Corporal Cross was assisting children in the school's cafeteria. Video surveillance captured

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Corporal Cross mishandle his agency issued firearm (Sig Sauer P320 – serial number #58A188786), which caused the firearm to discharge. A certified Sig Sauer P-320 Armorer inspected and tested the listed firearm and Corporal Cross' holster (Safariland 6360). The certified Armorer found no defects to either piece of equipment. Major Crimes investigated the incident (Culpable Negligence) and referred the case to the State Attorney's Office for review (see PSO report #19017921 for details). The State Attorney's Office declined to pursue criminal charges in the case.

This is an alleged violation of: G.O 26.1 – General Order 26.1 - Section II – Rules and Regulations, Subsection D, Paragraph (2):
Commission of Misdemeanor: Members will adhere to all federal, state, and local laws and will not commit any act or crime which, if committed in the state of Florida, would constitute a misdemeanor, whether charges are filed or not.

Allegation B

On April 30, 2019, Corporal Jonathan Cross was at his scheduled work assignment as the School Resource Officer at Thomas E. Weightman Middle School. At approximately 1139 hours, Corporal Cross was assisting children in the school's cafeteria. Video surveillance captured Corporal Cross mishandle his agency issued firearm (Sig Sauer P320 – serial number #58A188786), which caused the firearm to discharge. A certified Sig Sauer P-320 Armorer inspected and tested the listed firearm and Corporal Cross's holster (Safariland 6360). The certified Armorer found no defects to either piece of equipment.

This is an alleged violation of: G.O 26.1 – General Order 26.1 - Section II – Rules and Regulations, Subsection B, Paragraph (38): Use and Handling of Weapons: Deputies use and handle weapons in a careful, safe and prudent manner on and off duty.

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Allegation C

On April 30, 2019, Corporal Jonathan Cross was at his scheduled work assignment as the School Resource Officer at Thomas E. Weightman Middle School. At approximately 1139 hours, Corporal Cross was assisting children in the school's cafeteria. Video surveillance captured him mishandle his agency issued firearm, which caused an accidental discharge. The projectile entered and exited Corporal Cross' uniform pants pocket, without striking him, and struck the wall behind him. Bullet fragments were located on the ground adjacent to the lunch line where students were standing at the time of the discharge. Corporal Cross, students and/or staff members were not injured during this incident. A certified Sig Sauer P-320 Armorer inspected and tested the listed firearm and Corporal Cross's holster (Safariland 6360). The certified Armorer found no defects to either piece of equipment. Corporal Cross' actions created a safety issue at the school and caused an adverse impact upon the Sheriff's Office due to the media/community attention the incident garnered. Citizens posted over 830 comments (positive and negative) on the Sheriff's Office Facebook page referencing this incident. This may have impaired public respect and confidence in the Sheriff's Office and its members.

This is an alleged violation of: G.O 26.1 – General Order 26.1 - Section II – Rules and Regulations, Subsection B, Paragraph (54): Conduct Unbecoming a Member of the Sheriff's Office: Members will not engage in conduct, on duty or off duty, which has an adverse impact upon the operation of the Sheriff's Office, or which may impair public respect and confidence in the Sheriff's Office and its members. Such conduct may include, but is not limited to, participation in any immoral, indecent or disorderly conduct, or conduct that causes substantial doubt concerning a person's honesty, fairness, or respect for the rights of others, or the laws of the state or nation, regardless of whether such act or conduct constitutes a crime.

Investigation:

On Tuesday, April 30, 2019, A/Sergeant David Pugh advised me to respond to Thomas Weightman E. Middle School, located at 30649 Wells Road Wesley Chapel, Florida in reference to an accidental discharge of an employee's firearm. A/Sergeant Pugh stated Corporal Jonathan

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Cross' firearm accidentally discharged, but A/Sergeant Pugh could not provide any additional information. It should be noted, this administrative investigation was originally tolled due to the pending the criminal investigation. Ultimately, the State Attorney's Office declined to pursue criminal charges and notified the Sheriff's Office of the decision, via letter, on July 8, 2019.

I arrived at the Thomas E. Weightman Middle School at approximately 1421 hours. I observed Corporal Cross and Sergeant John Dill in the cafeteria, but did not speak to them about this incident. Major Crimes Detectives Timothy Harris, Brian McGavock, Bryan Hromalik and Forensic Investigator Heidi Sievers were also on scene. I learned Detective Harris was assigned as the lead investigator.

Training Division, Corporal/Armorer John Barlow arrived on scene a short time later. I observed Corporal/Armorer Barlow download Corporal Cross' firearm (Sig Sauer P320 – serial number #58A188786) and two magazines. There were sixteen (16) rounds of ammunition in the magazine that Corporal/Armorer Barlow removed from the listed firearm. I later learned, through Corporal/Armorer Barlow's supplemental report, that Corporal Cross removed one (1) round of ammunition from the listed firearm shortly after the accidental discharge. The one (1) live round and the one (1) spent round from his Sig Sauer P320 account for the reason there were only sixteen (16) rounds in the magazine in Corporal Cross' firearm. The two magazines contained a total of thirty-four (34) rounds of ammunition, seventeen (17) rounds were in each magazine. I did not interview any individuals involved in this incident at the time.

On Wednesday, May 1, 2019, Detective McGavock provided me with video surveillance videos that captured this incident; the footage was titled Cameras 7 and 10. The video from Camera 7 (ATTACHMENT - C - DVD #1 – Video #1) pointed north and captured Corporal Cross' right side; Corporal Cross carried his firearm on his right side. The video captured Corporal Cross as he stood adjacent to the wall behind (west) him; there was a second wall to his left (north). He appeared to be directing students into the lunch line. At the 29:19 point of the video, Corporal Cross appeared to rest his right hand on top of his firearm, which was holstered. He briefly raised his right hand above his shoulders before he rested his right hand on top of his firearm, which was still holstered. His right hand appeared to remain on top of his holstered firearm until the 29:30 mark. At the 29:30 point of the video, he stretched his right arm straight out in front of him. It appeared as if he was directing students to stop moving forward into the lunch line. He

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again moved his right hand back to the top of his holstered firearm by the 29:33 mark. At the 29:36 mark, it appeared as if Corporal Cross placed his hand around the grip of the firearm. It appeared as if his right hand/arm lifted slightly in an upward direction. Just after the upward motion, it appeared as if his right hand/arm moved in a downward direction. At the 29:37 mark, I observed what I believed to be a female student in the middle portion of the screen who was standing near the entry/exit door that led from the lunch line to the sitting area within the cafeteria. She appeared to be wearing blue jeans, a black shirt and white shoes. The student quickly turned toward Corporal Cross and placed both hands toward her head. Some of the other students in the lunch line slightly turned their heads toward Corporal Cross' direction. Based on the student's reactions, it appeared as if Corporal Cross' firearm discharged at this point of the video.

At the 29:39 mark, it appeared as if Corporal Cross leaned slightly forward as he raised his hands to his ears; his hands appeared to be empty. At the 29:42 mark, it appeared as if Corporal Cross moved his right arm/hand to the exterior of his right pants (cargo) pocket. It appeared as if Corporal Cross waved both arms as if to advise students/subjects to leave the area. His right hand appeared to move toward his right hip at the 29:46 mark before he continued to motion with both arms. At the 30:00 mark, it appeared as if Corporal Cross had an unknown black item in his hands. I was unable to determine the location, upon his person, in which he obtained the item. At the 30:06 mark, cafeteria staff assisted in escorting students from the lunch line area. As they did so, a staff member closed one of the doors that led to the sitting area, which obstructed the camera view. The door only obstructed the view for a brief period.

At the 30:10 mark, it appeared as if Corporal Cross placed the unknown black item onto the counter where students would normally place their trays as they obtained lunch items/food. He also reached toward his right pants pocket with his right hand. Cafeteria staff obstructed the camera view from the 30:12 mark to the 30:23 mark as they closed/secured other doors in the area. At the 30:26 mark, Corporal Cross turned his body toward Camera #7. It appeared as if he continued to visually inspect his person as he reached toward his right hip. Corporal Cross appeared to have a second unknown black item in his hands; the first unidentified black item remained on the counter.

By the 30:36 mark of the video, it appeared as if Corporal Cross lifted the second unknown item to his right ear, which led me to believe the item was a cell phone. At the 31:16 mark, Corporal

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Cross appeared to remove his firearm from his holster and place it onto the counter in front of him; this was later confirmed through Camera 10. It also appeared as if he was holding a cell phone in his left hand as he placed the firearm onto the counter. Eventually, he placed the cell phone on the counter adjacent to what appeared to be the firearm. For the next several seconds, it appeared as if Corporal Cross visually inspected his equipment and the general area around him.

At the 31:55 point of the video, it appeared as if Corporal Cross picked up an unknown item from the floor with his right hand. I was unable to identify the item or determine what he did with the item. For the next several minutes, Corporal Cross continued to inspect the general area. During this time, I noticed his firearm was back in his holster, but I was unable to determine the time in which he did so. At the 33:54 point of the video, school personnel appeared to make contact with Corporal Cross in the cafeteria. Corporal Cross appeared to communicate with school staff before he left the cafeteria at the 34:54 mark. He returned to the cafeteria at the 54:34 mark, where he remained until the end of the video, which is approximately 60 minutes in length.

I reviewed Camera 10 (ATTACHMENT - C - DVD #1 - Video #2); the camera pointed north; Corporal Cross is facing the camera at the time of the incident, but due to his positioning, the camera only captured a portion of Corporal Cross' body. Corporal Cross consistently entered and exited Camera 10's viewpoint throughout the recording.

At the 29:15 mark, Corporal Cross clearly comes into view on the bottom right portion of the screen. At the 29:18 mark, he moved to his right; therefore, Camera 10 only captured a portion of his right arm and shoulder. At the 29:36 mark, Corporal Cross' right hand appeared to turn in a manner leaving the backside of his hand facing the camera, his palm was directed at the wall behind him. His four fingers appeared to be pointing south, parallel to the floor. The camera did not capture Corporal Cross' thumb, holster and/or firearm. I played and immediately paused the video, the time still read 29:36. A small object appeared on the floor to Corporal Cross' right. Later, Major Crimes Detectives and the Forensic Investigator identified the object as a piece of Corporal Cross' holster. Corporal Cross' right hand appeared to be near his right hip; his holster and/or firearm is not captured on the video. At the 29:38 mark, it appeared as if Corporal Cross' right hand was around the grip of his firearm. At the 29:40 mark, Corporal Cross appeared to lean forward as he moved his right hand over his right ear. Shortly thereafter, Corporal Cross motioned toward the students with his right arm. He appeared to be holding a cell phone in his right hand; I was unable to determine the location, upon his person, in which he obtained the

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item. At the 30:36 mark, Corporal Cross raised the cell phone to his ear; nothing else of significance occurred until the 31:16 mark. At the 31:16 point of the video, Corporal Cross removed his firearm from his holster and appeared to place it onto the counter in front of him. At the 31:28 mark, there appeared to be an unknown black item in Corporal Cross' right hand. At the 31:54 mark, it appeared that Corporal Cross' firearm is holstered. I reviewed the video in its entirety, but did not observe anything of significance that was not captured in Camera 7.

It should be noted, Corporal Cross activated his body worn camera after the accidental discharge, which he, later downloaded onto Evidence.com. Later, I reviewed the footage, which consisted of two separate videos. The first video is approximately 29 seconds in length. Corporal Cross stated, "What the fuck! Aw shit." It appeared as if he made the statement to himself. He placed a cell phone to his right ear, but the footage did not capture the phone conversation.

The second video is approximately 1 minute and 12 seconds in length. It appeared to capture Corporal Cross contact school personnel via a hand held device, possible the school radio. He requested the individual to respond to the cafeteria. After using the hand held device, Corporal Cross stated, "What the hell." He appeared to be speaking for body worn camera/documentation purposes. He stated, "I don't know what happened, my gun just went off in the holster... I'm standing in line right here.... and ... I don't know what happened... I don't know...my... pants is ripped in my uniform... I have the casing in the bullet... I have no idea what happened, just went off... I gotta find the... it blew my thing away...make sure I'm not hit." An unidentified subject called out to Corporal Cross and asked if he was "okay." Corporal Cross stated, "Yeah, I'm fine; it went off, I don't know why." Before ending the recording, Corporal Cross documented he had notified his Sergeant (see the two videos – ATTACHMENT - C for details.)

I reviewed Pasco Sheriff's Office Report #19017921, which detailed the incident. Detective Harris, Hromalik and McGavock met Corporal Cross in the cafeteria where he (Corporal Cross) demonstrated what occurred. This portion of Corporal Cross' interview was not recorded. Detective Harris documented the following regarding his interaction with Corporal Cross in the cafeteria: "SRO Cross began explaining and demonstrated to us the duties he was performing at the time the incident occurred. According to Cross, he most days during lunch stands in this same area which he described could become a "bottle neck" of students if their entry into the room is not controlled by him or someone else. SRO Cross said he was "leaning" against the wall just inside the entry door into the room and had just stepped up into the doorway to stop the line of students from entering the room to prevent the jam he referred to earlier."

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"SRO Cross said as he moved from the door to allow more students to now enter the room, he leaned back against the wall where he was standing before and his agency firearm discharged inside the holster. I asked SRO Cross if his right hand was anywhere near the firearm before or when it went off and he said he had been moving/clicking the safety bail/strap on top of the holstered firearm forward and back but could not recall if he disengaged the mechanism to unsecure the firearm from the holster at any time. I did not immediately see a spent shell casing on the floor and at the same time SRO Cross began explaining how "oddly" when he looked down at his firearm after it discharged he saw that the spent shell casing was trapped in the holster between the front inside of the holster and the weapon which he described was at the time seated "loosely" inside the holster."

"SRO Cross went on to explain that after he began to realize it was in fact his firearm that had fired and he noticed the cartridge casing inside the holster he then lifted the firearm from the holster. Cross explained after visually seeing the spent casing he removed the magazine and then locked the slide to the rear. Cross said when he did this, a complete unfired bullet ejected from the firearm into his hand. Cross then removed from his pants pocket the spent shell casing and the complete bullet and handed them to Detective McGavock. While doing this, SRO Cross showed us the right cargo pocket of his pants which had been damaged by the fired projectile. Cross also explained to me that he had what he referred to as a "habit" of moving the holster shroud or safety bail forward and back while standing around. Cross further explained this was a habit and said he had did it for almost as long as he has had this specific holster."

Detective Hromalik also documented Corporal Cross's explanation of the incident as he (Corporal Cross) demonstrated in the cafeteria. His supplement read: "SRO J. Cross explained how his gun discharged into the wall of the cafeteria line behind where he was standing. SRO Cross relayed he was flicking the bail of his holster forward and back while he was standing by the doorway of the cafeteria line. SRO Cross said he had to lean forward to look out of the doorway to let the next set of kids know they could enter the line. SRO Cross advised as he bent forward, his agency issued Sig Sauer P320 discharged one time while it was in his holster. SRO Cross said the bottom of his holster blew out and he pointed out the black pieces of plastic on the floor of the line as pieces of his holster. SRO Cross could not recall if he disengaged the release to unholster the firearm at any point."

"SRO Cross demonstrated what occurred in the cafeteria line and walked us through the scene. SRO Cross had the fired shell casing in his pocket along with the following unfired round that

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would have chambered in the firearm. SRO Cross indicated the spent casing was trapped in the holster between the firearm and shell of the holster. SRO Sgt. J. Dill indicated the story SRO Cross provided was consistent with the story Cross provided him over the phone and in person. See supplements for more detailed interviews with the above mentioned parties.”

Detective McGavock was assigned to obtain the video surveillance; therefore, his supplemental report documenting Corporal Cross’ demonstration was not as detailed. His supplemental report read: “Corporal Cross explained he was standing in the hallway in which students purchase/receive their school lunch. Corporal Cross said his pistol fired while in the holster and struck the wall, pointing to a spot on the wall where apparent fresh damage to the drywall had occurred, as evidenced by dry wall pieces/powder just under the damage, on the floor.”

Detective McGavock obtained and reviewed the video surveillance that captured the accidental discharge. There were two cameras that captured the incident, Cameras #7 and #10. Detective McGavock described what he observed, in his supplemental report, which read: “I began reviewing the surveillance and noted the current date and time when I started watching the video was April 30, 2019, at 1514 hours (EST); while the surveillance showed a live date and time of April 30, 2019, at 1413 hours (GMT). Therefore, the surveillance system showed the correct date, but the time showing on the surveillance footage was approximately one hour and one minutes behind the actual time. The times mentioned in the following summary of events will be expressed in the time shown on the surveillance footage timestamp.”

“In reviewing the surveillance system, I was able to find two camera views that were able to capture Corporal Cross’ pistol fire. To note, Corporal Cross was standing in the northwest corner of the hallway directing students into the lunch line. Camera 10 was above Corporal Cross’ head and pointed west. Camera 7 pointed north, along the lunch line and viewed Corporal Cross’ pistol side (his right).”

“In reviewing Camera 10, I observed Corporal Cross standing against the west wall of the hallway and appeared to be directing children through the line. At 1139 hours, Corporal Cross’ right hand moves to his pistol and he rests his hand on the pistol. At 1139:37 hours, Corporal Cross appears to wrap his hand around the pistol’s grip and pull the pistol upward and slightly out of the holster before his hand moves downward and the pistol fired from the holster, and into the wall and floor. Corporal cross reacted by covering his ears and waived his hands in a motion that appeared he was telling the students to leave the area. I was unable to access any sound on the footage to hear what was said by Corporal Cross.”

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"In reviewing Camera 10, I could only observe Corporal Cross' right side from about his right mid-clavicle line south (to his right/pistol side). Corporal Cross' right side moves in and out of the cameras view as he moves/rocks back and forth. At 1139 hours, I observed Corporal Cross' right hand move to his firearm and eventually pull the pistol upward and slightly out of the holster. Corporal Cross' right hand then moved downward with the pistol and the pistol can be seen firing, as evidenced by a piece of the holster that appeared on the floor. Once the pistol fires, Corporal Cross' right hand comes off of the pistol and he covers his ears and then waives his hands. Approximately eleven students were in the line when the firearm discharged and none of them were looking in Corporal Cross' direction when the pistol fired."

Detective Harris conducted a recorded interview with Corporal Cross sometime after the demonstration. I obtained the following information from his supplemental report: "SRO cross agreed to talk with me and said he had no reason not to explain what occurred. With that Cross began explaining again how his duties inside the lunch room area were routine and said he almost always is in the same position. I began recording my conversation with SRO Cross at about 1453hrs, and just moments later I received a telephone call from Sergeant Quinlan so I stopped the recording."

"SRO Cross continued explaining where and why he was standing where he was and described he was leaning against the wall. Cross said "I kinda leaned forward a little bit, looked to my left exactly how far I leaned I don't know, but that's when it happened." Cross said he heard a "loud bang" and didn't know what was going on. Cross said as he quickly looked around the room he noticed there was white smoke and said he realized it was from the drywall behind him and at the same time saw his pants were ripped. Cross said, "that's when I realized oh crap, my gun went off and I wondered how did that happen." Cross said his first instinct was to access if anyone was hurt and explained he did note there were no students directly near him but said he was obviously concerned about a ricochet."

"Cross said after his immediate assessment revealed no one to his knowledge was hurt he then removed his firearm from the holster. Cross said, "I took my weapon out and it was already a half way or quarter of the way, I can't remember the exact time but I saw that it um the casing was inside the holster." Cross went on to say, "So I took it out, I unloaded it cause I didn't know what was wrong I could have malfunctioned or something I didn't know." Cross said, "There was a round chambered so obviously it went back and chambered a round. I then put the two rounds in my pocket, re-loaded the weapon. At first my thought was should I leave it unloaded then I'm thinking I'm the only SRO here I understand this was an incident but what if something

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happens afterwards so I said Ok I'm here now let me just reload it put it back in my holster then I started directing people sealed this off, closed the al a cart line and then called my sergeant right after that." Cross said he checked himself for injury and didn't feel anything realizing again just his pant pocket had been damaged."

"I then asked Cross to talk specifically about the gun itself in the holster. I reminded Cross he had told me earlier he had nervously or as habit messed with the safety bail or safety strap by moving it forward and back and he explained again it was a habit and said he did it so much he did not even think about it. Cross then said, "this is the part I don't understand my finger never went in the trigger well, it never went in there. I never actually thought pull the trigger I didn't do anything like that." Cross went on saying, "I remembered I did that a couple of times" while motioning as though he was moving the safety bail forward and back with his hand and said that is when the gun fired."

"I asked SRO Cross about the nervous motion or "habit" as he described of his moving the safety bail/strap of the holster forward and back and he confirmed it was a habit he has had for years. Cross said, "It's a bad habit I used to do it when I was like in patrol it's like the new ones it's just muscle memory to keep muscle memory going." I then asked Cross if during this habitual activity of moving the safety bail/strap forward and back repeatedly does he ever lift the firearm up and drop it quickly without actually drawing the firearm from the holster. Cross replied saying, "Sometimes but I don't do it, I do it sometimes but don't do it around kids or anyone else around." Cross said "Usually I do it like when I'm home when I put it in I make sure it seats right if I drop it in a push it in and put it back." Cross then explained he never takes his firearm out for any reason unless he has to in a defensive situation."

Detective Harris asked Corporal Cross about how he stored/secured his firearm at his residence.

Corporal Cross stated he stored/secured his firearm and Taser [REDACTED]

[REDACTED] Detective Harris also spoke to Corporal Cross about a set of keys that he regularly placed on his duty belt. At the time of the interview, Detective Harris observed that the keys were "immediately in front of his agency firearm holster on his right side." Corporal Cross could not recall the location of the keys at the time of the accidental discharge. Detective Harris asked Corporal Cross if it were "possible that he slightly lifted the firearm and his thumb or finger touched the trigger." Corporal Cross stated it was not possible and "the reason I say that is with 100% authority, when I take it out of the holster, I just want to show you I have my finger, you see where my finger is right, I know where it's at. I know exactly where it's at and being military and doing this job, my third one, it's been grained you don't put your finger on the trigger unless

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you are ready to do what, shoot." Detective Harris asked Corporal Cross if he ever lifted his firearm "slightly" and "release" the firearm "during his habitual movement of the safety bail." Corporal Cross denied doing so.

Detective Harris explained to Corporal Cross, based on the evidence, which included Corporal Cross' own testimony, the firearm extracted the spent casing and chambered a live round; therefore, the only plausible explanation for the weapon to fire was that the weapon had to have been out of the holster. Corporal Cross replied, "I don't know because I know like your right I don't know that part. That's the part I don't know. If I knew I would tell you. I don't know because I don't pull it out." It should be noted, I confirmed with Detective Harris that Corporal Cross did not view the surveillance video prior to his (Cross) interview with Detective Harris.

After the preliminary investigation, Detective Harris learned of another agency that possibly had an issue with the same firearm and holster that was assigned to Corporal Cross on the day of the accidental discharge. On May 5, 2018, he spoke to Holmes Beach Police Department - Chief, Bill Tokajer. Chief Tokajer advised Detective Harris that their investigation revealed the firearm did not malfunction. The circumstances involved an officer carrying some type of bag; the zipper on the bag "manipulated the trigger and caused the weapon to fire while secured in the holster by both safety mechanisms." According the report, Holmes Beach Police "also learned through testing and situation simulation that the firearm in question if for whatever reason was fired while secured in the holster the slide action would not be permitted to function properly." Chief Tokajer stated, "the firearm after firing would not action properly and load another projectile into the chamber because the fired round would not eject properly." He also learned through the investigation "if the firearm was not secured in the holster and for whatever reason was fired, the slide action would function or partially function and would eject the spent casing.

Detective Harris titled the report Culpable Negligence- Exposure to Harm (Florida State Statute 784.05.1) and referred the case to the State Attorney's Office for review on May 8, 2019. The State Attorney's Office declined to pursue criminal charges and notified the Sheriff's Office of the decision, via letter, on July 8, 2019.

On Tuesday July 9, 2019 at approximately 1100 hours, I met Corporal Cross at the Professional Standards Office and provided him with two (2) Notices of Investigation (Commission of a Misdemeanor and Use and Handling of Weapons). After Corporal Cross reviewed each Notice of Investigation, he signed and dated the appropriate areas. He did not check any of the

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NEITHER/ADMIT/DENY boxes of the MEMBER ACKNOWLEDGEMENT portion of the two (2) Notices of Investigation. I provided Corporal Cross with a copy of General Order 26.1, General Order 1.6 and Florida State Statute 112.532 – Law enforcement officers' and correctional officers' rights. At my request, Corporal Cross initialed separate copies of General Order 26.1, and Florida State Statute 112.532 – Law enforcement officers' and correctional officers' rights. I placed the initialed copies into the case file. I requested Corporal Cross to contact me in order to schedule an interview.

After reviewing the incident in its entirety, it was determined Corporal Cross may have violated General Order 26.1 – Improper Conduct - Section II – Rules and Regulations, Subsection B, Paragraph (54): Conduct Unbecoming a Member of the Sheriff's Office: therefore the allegation was added to the case file.

On Monday August 5, 2019 at approximately 0845 hours, I contacted Corporal Cross in order to provide him with the additional Notice of Investigation (Conduct Unbecoming a Member of the Sheriff's Office). He had previously scheduled a meeting for Tuesday August 6, 2019 at 0900 hours for interview purposes. He opted to receive the Notice of Investigation at the time of the scheduled interview.

On Tuesday August 6, 2019 at approximately 0858 hours, I met with Corporal Cross at the Professional Standards Office and provided him with the third Notice of Investigation. After Corporal Cross reviewed the Notice of Investigation, he signed and dated the appropriate area. He did not check any of the NEITHER/ADMIT/DENY boxes of the MEMBER ACKNOWLEDGEMENT portion of the form. I provided Corporal Cross with a copy of General Order 26.1 and Florida State Statute 112.532 – Law enforcement officers' and correctional officers' rights. Attorney O' Connor was present for the presentation of the additional Notice of Investigation.

As Corporal Cross and Attorney O' Connor reviewed the Professional Standards case file, Attorney O' Connor requested a copy of General Orders 1.5 – Use of Force and any General Orders pertaining to accidental discharges. I provided her with General Order 1.5 – Use of Force, General Order 1.6 – Firearms and Annex A to General Order 1.6. I was unable to locate any General Order that referenced accidental discharges, as per Attorney O' Connor's request.

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Attorney O' Connor also requested e-mails sent from the "agency" or "Major Crimes" to "Sig" from the date of this incident to July 1, 2019 and all e-mails sent from any agency member to Safariland since the date of incident. She could not provide any specific information regarding the sender's identity and/or the address the e-mail(s) were sent to.

A short time later, Attorney O' Connor requested a copy of General Order 1.5 – Use of Force that was superseded by the current Use of Force - General Order (General Order 1.5). I provided her with the requested General Order; the General Order was "EFFECTIVE: January 5, 2017" and was superseded by the current General Order on July 30, 2018. I also contacted David Erickson, Information Technology (IT) and requested any and all e-mails sent and/or received from or by any and all members of the Pasco Sheriff's Office to Sig Sauer and/or Safariland. He requested specific e-mail addresses/domains, or the names of contact persons from Sig Sauer and Safariland. I advised him the information he requested was unknown at this time. He advised he would conduct a general search for the requested information.

On Wednesday, August 7, 2019, Attorney O'Connor and Corporal Cross returned to the Professional Standards Office and continued to review the Professional Standards case file. I asked Attorney O'Connor if she was able to provide more specific information regarding the requested e-mails, in order to simplify Information Technology's search; she was unable to do so. She and Corporal Cross reviewed evidence for the remainder of the day. Attorney O'Connor stated she would not be available until Monday, August 12, 2019 to continue to review the evidence.

On Monday, August 12, Corporal Cross and Attorney O' Connor returned to review evidence. She provided additional written requests for lesson plans related to the "transition training Glock to Sig Sauer" and "use/practice self locking system (SLS) (Safariland 6360)," as well as, "holster training transition from Glock to Sig Sauer."

I contacted the Training Division and spoke to Brianna Garcia, Training Technician. I made her aware of Attorney O'Connor's requests and asked her to provide me with any and all information pertaining to the requests. She e-mailed me the "LESSON PLAN OUTLINE" for the "Course: SIG SAUER P320 9MM TRANSITION AND QUALIFICATIONS" and "LESSON PLAN OUTLINE" for the "Course: SIG SAUER P320 TRANSITION," as well as verification that Corporal Cross attended firearms training on January 7, 2019 and Cross' Pasco Sheriff's Office Firearms Weapon Score Form. Garcia advised there is no lesson plan referencing holster training.

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I also spoke to David Erickson, Information Technology (IT), who stated he located a general e-mail addresses for Sig Sauer (www.sigsauer.com) and Safariland (www.Safariland.com). He then searched for any and all e-mails sent to or from sigsauer.com to or from any member of the Pasco Sheriff's Office; he forwarded me the e-mails he located.

After reviewing the e-mails, I located one (1) e-mail that referenced this incident. The e-mail was sent from Chase Daniels, Assistant Executive Director of the Sheriff to Samantha Piatt, Sig Sauer Communications Manager. The content of the e-mail consisted of Daniels requesting Piatt to call him. Sig Sauer Executive Vice President of Law Enforcement Sales and Suppressors, Tom Jankiewicz returned Daniels' e-mail; he advised Daniels that he had been traveling and would "reach out" to Daniels on Tuesday. The return e-mail is dated Monday, May 6, 2019 (see e-mails – ATTACHMENT D for details).

Based on the e-mail, I contacted Daniels on August 12, 2019 and requested him to provide a Professional Standards Memorandum in order to explain the content of the e-mail and subsequent conversation he had with Jankiewicz.

On Tuesday, August 13, 2019, Daniels provided the Professional Standards Memorandum. The memorandum documented his conversation with Jankiewicz. The e-mail referred to a statement Samantha Piatt made to Bay News 9 after the incident in which she used the term "negligent discharge" as opposed to "accidental discharge," which is the term used by the Pasco Sheriff's Office "to the media and on social media." Daniels advised Jankiewicz that the investigation was on-going and explained the "differences between the two terms." Jankiewicz agreed to use the term "accidental discharge" in any future comments/statements regarding this incident (see Professional Standards Memorandum – ATTACHMENT D for details.)

I also contacted Purchasing and obtained copies of three (3) "Custody Receipt" Forms. The forms documented Cross received one (1) duty holster on March 10, 2016, one (1) paddle holster on August 5, 2016 - Sig P320 R/H and one (1) paddle holster Sig P320 R/H on August 9, 2016. I downloaded the e-mails, Training and Purchasing information and Bay News 9 – article onto CD #4 (ATTACHMENT – D).

On Thursday, August 15, 2019, Corporal Cross and Attorney O'Connor returned to the Professional Standards Office and continued reviewing the Professional Standards case file. At that time, I provided the e-mails, Training and Purchasing information, Bay News 9 – article and Chase Daniels' memorandum, to Corporal Cross and Attorney O'Connor.

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As they were reviewing the listed items, Training Division, Sergeant Kristina Irizarry contacted me. She advised she was aware of a Power point presentation that was shown to all members within the agency that was issued a Sig Sauer firearm. She stated she would e-mail the power point to me as soon as possible.

I advised Corporal Cross and Attorney O'Connor that there was a PowerPoint in reference to their request for any information regarding "holster training transition from Glock to Sig Sauer." Inspector Christensen advised the Power point was not pertinent to the allegations listed in this case. She advised Corporal Cross and Attorney O'Connor that I was prepared to move forward with the interview. Inspector Christensen also advised them that I would provide the requested information (PowerPoint) on another date. Corporal Cross and Attorney O'Connor were assured they would be afforded the opportunity to make closing statements after reviewing the information. Corporal Cross and Attorney O'Connor exited the office to confer for approximately 20 minutes; they agreed to move forward with the interview.

Interview: Corporal Jonathan Cross (School Resource Officer)

Thursday, August 15, 2019, at approximately 1000 hours, I began the interview with Corporal Cross. The following is a synopsis of the recorded interview (see ATTACHMENT C for the entire interview). Prior to this interview, I obtained a Safariland 6360 holster in order to clarify the parts of the holster in which are referred to in the report. After swearing him in, we discussed his law enforcement and military career(s). Corporal Cross stated he was hired at the Pasco Sheriff's Office in 2005 as a Patrol Deputy. In addition to the Patrol Division, he has been assigned to the SAM Sector (San Antonio) as the Contract Deputy, Strategic Targeted Area Response (STAR) Team and School Resource Officers Unit.

Prior to the beginning his career in law enforcement, Corporal Cross served in the United States Air Force (Security Forces – approximately 4-years). He began his law enforcement career at the Florida Highway Patrol as a Trooper (approximately 2-years); he also worked at the Fort Myers Police Department as a Patrol Officer (approximately 2-years.) Corporal Cross advised he had never been issued a Sig Sauer P320 firearm at any of the listed employers. He also stated he was has never been a certified Armorer nor has he ever been asked to inspect any holsters for defects. We discussed Pasco Sheriff's Office Report #19017921, which documented this incident. I referenced Detective Hromalik's interview with [REDACTED], who was a student at Thomas E. Weightman Middle School. [REDACTED] was present, in the cafeteria, when Corporal Cross' firearm

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discharged. [REDACTED] advised Detective Hromalik that he did not witness the discharge, but he had observed Corporal Cross move his firearm "up and down in the holster" in the past. Corporal Cross stated he was not familiar with [REDACTED], but struggled with names and was unsure if he ever had any dealings with [REDACTED] in the past. I asked if he read the area in the aforementioned report, which documented [REDACTED] statements. Corporal Cross advised he had in fact read that portion of the report. I also asked if he listened to [REDACTED] recorded interview. Corporal Cross advised me he had not listened to the recording; therefore, I played the interview.

After playing the first 3 minutes and 10 seconds of the interview for Corporal Cross, I asked him if [REDACTED] had any reason to provide false statements to law enforcement regarding his past observations (Corporal Cross "moving" his firearm "up and down in the holster"). Corporal Cross replied, "No. I..I don't know him."

I advised Corporal Cross I wanted to discuss other portions of the report. I confirmed with Corporal Cross that he did not review the school's video surveillance prior to speaking to Major Crimes Detectives on the date of the incident. He stated the first time he observed the surveillance was during the review of the Professional Standards file.

I referred Corporal Cross to the last paragraph on page #24 of the report; the paragraph began, "I asked SRO Cross." After he located the portion of the report, I asked him to discuss how he secured his firearm at his residence. He stated he normally removes his firearm from the holster and places the firearm (and Taser) into a safe. He has secured his issued Sig Sauer in that fashion, since he was issued the firearm. I asked if he ever had any issues or difficulties when removing/drawing the firearm from his holster before storing the firearm into the safe. He paused and stated, "Sometimes, but I mean to go with specific dates and times I couldn't tell you." He also stated he has had more difficulties holstering the firearm than he has had drawing the firearm. He stated the firearm would sometimes "stick a little bit" when holstering. He recalled an incident that occurred two-weeks before the discharge at the school. He holstered his weapon, but as he did so, the "top-slide slid back by itself." Corporal Cross did not report this incident to his immediate supervisor, Sergeant Dill or to Training Division. I asked Corporal Cross the number of times in which he has had an issue with his firearm. He estimated the number as "less than 10, but enough to catch my attention." He advised he has never provided anyone at the Sheriff's Office with "written" notification(s) documenting his concerns. He added he may have "verbally" made former supervisors aware of the issues/concerns.

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I asked Corporal Cross if he recalled having any issues holstering the firearm on the morning of this incident. He did not recall having any issues. I asked if he recalled any issues seating the firearm in the holster and/or with the holster itself, from the time he dressed for work to the time he entered the school cafeteria. He stated he did not recall having any issues with the firearm or holster on that date. He mentioned that his weapon often made contact with the arms of his chair when he sits at his desk; this is due to his size; therefore, he took the arms of his chair to avoid this issue. When asked if he recalled if his firearm was seated properly inside his holster when he entered the cafeteria he replied, "I guess, yeah."

I then referred him to Detective Hromalik's supplemental report (page #17), which began "On 04/30/2019, I was called out by Major Crimes." After he located the portion of the report, Corporal Cross confirmed that he made the statements during the walk-through portion of his interview with Major Crimes Detectives, which was not recorded. I asked Corporal Cross to read the second sentence in the second paragraph, which read, "SRO Cross relayed he was flicking the bail of his holster forward and back while he was standing by the doorway of the cafeteria line." Corporal Cross did not recall making the statement during the walk-through, but did not dispute the accuracy of this portion of Detective Hromalik's report.

I asked Corporal to point out the portion of the holster that he referred to as the "bail." He pointed out the Self-Locking System (SLS) on the holster. I also asked him to explain how to move the "bail/strap." Corporal Cross explained that the release button needed to be pushed forward with your "right thumb" in order to move the SLS forward.

I referred Corporal Cross to the last sentence of the second paragraph, which read: "SRO Cross could not recall if he disengaged the release to un-holster the firearm at any point." Corporal Cross was adamant that he did not "disengage the gun from the holster."

I referred Corporal Cross to the third paragraph and discussed his recollection of the events that transpired immediately after his firearm discharged. I pointed out to Corporal Cross that he indicated, to Major Crimes Detectives, that he noticed a spent casing "trapped" between the firearm and the "shell" of the holster. I asked if he recalled if the SLS was in a "forward" position. He stated, "It had to been because I was already, from what I remember that day, the picture of it, I was already pulling the, you know, I was looking at the gun to see what happened." He recalled that the firearm was almost "halfway out" of the holster when he noticed the spent casing. This seemed to contradict his statement to Detective Harris (page #22 – last paragraph); the report read: "SRO Cross went on to explain that after he began to realize it was in fact his

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firearm that had fired and he noticed the cartridge casing inside the holster he then lifted the firearm from the holster.”

He did not recall the exact location of the spent casing, but stated, “It had to be between the top rail and the holster.” He again explained he was drawing his firearm in order to examine the weapon due to the discharge. Corporal Cross could not remember if the spent casing fell to the ground as he began to draw the firearm or if he removed the spent casing from the holster before he drew the weapon; again contradicting his previous statement to Detective Harris. He recalled placing the casing into his pants pocket.

I referred Corporal Cross to Detective Harris’s supplemental report (page #22), which began “On Tuesday, 04-30-19.” Corporal Cross located the page and I asked him about comments made in the next to last paragraph. These statements were made during Corporal Cross’s walk-through with Major Crimes. I referred to the paragraph #5 and asked Corporal Cross to read the sentence, “I asked SRO Cross if his right hand was anywhere near the firearm before or when it went off and he said he had been moving/clicking the safety bail/strap on top of the holstered firearm forward and back but could not recall if he disengaged the mechanism to unsecure the firearm from the holster at any time.” I asked Corporal Cross where his right hand was located at the time of the discharge. He suggested his thumb might have been on his pocket and/or hand might have been on top of the “bail strap” or the grip of the firearm. It should be noted, he was in possession of the Safariland 6360 holster and he referred to the SLS as the “bail strap.” He also stated he did not remember if he was “doing that back and forth” when his weapon discharged. Again, he used the Safariland 6360 to demonstrate his action of moving the SLS forward when he stated “doing that back and forth.” It should also be noted, Corporal Cross also advised Detective Harris that he noticed the firearm was seated “loosely” inside the holster after the discharge.

I reminded Corporal Cross of his previous testimony regarding his statements that he eventually drew his firearm from his holster after the discharge. After doing so, he removed the magazine from the magazine well before he locked the slide to the rear position, which caused the firearm to extract a live round. Based on Corporal Cross’s own statements, I advised him that the firearm appeared to function properly after the discharge. He again stated his statements in the report were accurate, but he did not recall, specifically what he told Major Crimes Detectives during the walk-through.

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I referred Corporal Cross to the documentation of his recorded interview with Detective Harris, which began on page #24. In the second paragraph of his interview, Corporal Cross is quoted as saying his firearm was already "half way or quarter of the way" out of the holster after he realized the weapon fired. We spoke about this comment for an extended period of time before Corporal Cross advised me of what he "would" do given the situation, but he was unable to commit, with specificity, as to his hand placement or actions at the time he observed the spent casing.

We discussed the portion of Detective Harris's report/interview in which Corporal Cross referred his habit of moving the "safety bail/strap" on the holster as a "bad habit." Corporal Cross mentioned muscle memory and moving the "safety bail/strap" would wear down the "old pistols" and/or "old holsters," but he did not define why he previously stated "bad habit." I asked the question again. Corporal Cross stated, "No, the reason I said that, because it's a bad habit because it's something, you know, it's just, I don't know, it's muscle memory to me. Habit, I don't know."

At this point, I advised Corporal Cross I planned to play the video that captured the discharge. I played DVD #1, which contained videos 1-5. I played video #1, which is titled Camera #7. For the record, the discharge occurred at approximately 29:37 into the video. We started viewing from the 29:03 into the video. I confirmed that Corporal Cross's position on the video, which was just left of the entry door. I stopped the video at the 29:20 mark and asked Corporal Cross if he could tell me where his right hand/arm was positioned. He advised me his hand/arm was on his "utility belt." I played the video to the 29:25 mark and asked Corporal Cross if he could tell me where his right hand/arm was positioned. He stated his hand was on "top part" or the "handle" of the firearm.

I played the video to the 29:31 mark and asked Corporal Cross if he could tell me where his hand/arm was positioned. He stated his arm was extended in front of him in order to stop students from entering the lunch line. I played the video to the 29:33 mark and asked Corporal Cross to tell me where his right hand/arm was positioned. Corporal Cross stated, "on top of the holster, the gun, I mean, I can't, I can't tell." I played the video to the 29:36 mark and asked Corporal Cross to tell me where his right hand/arm was positioned. He stated his arm was "going up." I asked if he had anything in his hand when it was "going up." He replied, "could be" and suggested he may have been pulled his belt up also.

I briefly played the video before again stopping it, but the time remained 29:36. I asked Corporal Cross to tell me what he observed. He again stated his hand went in an upward motion, but he

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was unsure if anything was in his hand at that time. He described his hand as forming a "C upside down." I stopped the video at the 29:37 and asked Corporal Cross if he observed his arm/hand make a downward motion. He stated his hand/arm might made a downward motion. I started and stopped the video immediately; the time still registered 29:37. I asked Corporal Cross what he observed. He stated his hand was "probably resting on the top" of the firearm/holster. He also stated he believed that the firearm had not yet discharged. I pointed out a female student in the middle portion of the screen who was standing near the entry/exit door that leads from the lunch line to the sitting area within the cafeteria. She appeared to be wearing blue jeans, a black shirt and white shoes. The student quickly turned toward Corporal Cross and placed both hands toward her head. Her reaction led me to believe that the firearm had discharged at this point.

I played the video to the 29:38 mark and asked if anything of significance had occurred. He stated, "Not that I see." I stopped the video at 29:39; Corporal Cross advised me he observed his hands move toward his head and he believed the firearm had discharged by this point.

We continued to view and discuss the video surveillance. Corporal Cross advised he reached down toward his right cargo pocket and realized the pocket "got shot out." He also observed "debris" and "smoke." He then stated he was still unsure what had occurred; he did not realize his weapon discharged. He recalled motioning with his arms in an attempt to direct the students to leave the lunch line area. He reiterated he still did not realize his weapon discharged.

I continued to play the video and ask Corporal Cross about his actions. He believed he reached for his "school radio" at the 29:57 mark. He usually placed his "school radio" on his belt, but did not recall or ascertain from the video where he placed/obtained the "school radio" from on this date. At the 30:00 mark, it appeared as if Corporal Cross had an unknown black object in his hand. He was unable to identify the object. At the 30:10 mark of the video, it appeared as if Corporal Cross placed the unknown black item onto the counter where the students would normally place their trays as they obtained lunch items/food. He speculated he might have been "inspecting the gun at that point," but he could not identify the object. Cafeteria staff obstructed the camera view from the 30:12 mark to the 30:23 mark as they closed/secured the doors that lead from the lunch line to the sitting area within the cafeteria.

At the 30:29 mark, it appeared as if Corporal Cross possessed a second unknown black item in his hands; the other black item remained on the counter. I stopped the video at the 30:36 mark; Corporal Cross advised me the second item was his cell phone, which he used to immediately

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contact Sergeant Dill. I did not ask any additional questions when referencing this video (DVD #1 -Video #1 -Camera #7).

I then played DVD #1, video 3, camera #7, which is approximately 21 seconds in length and provided a closer (zoom-in) view of the incident. At the start of the video, Corporal Cross is observed standing near the doorway the students use to enter the lunch line. He appeared to be leaning on the wall directly to the left; there is another wall directly behind him. At the start of the video, he stated his hand "could be on top of the gun; I don't know." He made the statement as he demonstrated with the Safariland 6360 holster by placing his hand on top of the SLS. At the 00:02 mark, his right arm/hand is extended in front of his body. He advised me it was possible he was stopping students from entering the lunch line. At the 00:04 mark, he advised his hand went back to the top of his holster, as he again, demonstrated with the Safariland 6360 holster. I stopped the video at the 00:06 mark; he advised me his hand was "outside, I don't know, you see my thumb." I stopped the video at the 00:07 mark and asked if his hand placement changed. It appeared to me as if Corporal Cross placed his fingers around the grip of the firearm. Corporal Cross advised it appeared to him as if placed his right hand over the holster. He advised me it appeared as if his hand was "clasped over" his holster.

I went back to the 00:06 mark and replayed the portion of the video that captured Corporal Cross's arm move in an upward and downward motion as he appeared to place his fingers around the grip of the firearm. He stated he observed his hand make a "U" shape; he also stated his hand/arm might have made a "twisting" motion. I pointed out the actions of the same student I mentioned previously in this report, the female student wearing blue jeans and black t-shirt. I also advised Corporal Cross it appeared as if the black portion of his holster was located on the cafeteria floor, which indicated the discharge occurred. I asked Corporal Cross where his hand was located at that time. He stated his hand was "near my gun, I guess." He then stated the video was "grainy" and he was giving his "opinion" as to what he observed on the video. I did not ask any additional questions while viewing this video.

I then played DVD #1, video 2, camera #10; the camera was mounted on the ceiling in front of Corporal Cross. The camera only captured a portion of Corporal Cross' body, but captured the damaged portion of his holster at the time the firearm discharged.

Corporal Cross appeared at the bottom right portion of the screen; the camera only captured a portion of his body. I paused the video at the 29:37 mark; the video only captured the front of Corporal Cross' right hand, his right arm and right shoulder area. His four finger appear to be

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pointed to his right and parallel to the floor; his palm is facing toward the wall behind him. The camera did not capture the location of his right thumb. Corporal Cross agreed that his fingers were parallel to the floor. Referencing his hand placement as it related to his firearm, he stated, "Yeah, 'cause sometimes what it is, is because the handle's a little abrasive -- sometimes I'll itch my hand."

I paused the video at the 29:38 and asked Corporal Cross about his hand placement. He stated, "That's going to be near the gun, or even on it, I mean going by the video." It appeared as if Corporal Cross' right hand might have been around the grip of his firearm. I also observed the damaged portion of his holster on the cafeteria floor to the right of Corporal Cross. Corporal Cross agreed that the discharge had occurred at this point of the video. I paused the video again at the 29:39 mark; he immediately moved his right hand to his right ear. His hand was empty at that time. I did not ask him any additional questions while reviewing this video.

I asked Corporal Cross if he could explain how his firearm discharged. He paused before stating he had a "theory" that he wanted to present. I asked him to explain said theory. Before providing additional information, he requested to take a recess, which was granted (approximately 57:00 minutes into the interview). Corporal Cross and Attorney O'Connor left the room, but left the recorder on in the interview room.

We continued the interview approximately 8 minutes and 42 seconds later. I again asked Corporal Cross could explain his theory. He stated he believed he leaned on the wall and the wall caused the firearm to discharge. I asked if he could expound on his theory. He stated, "No. That's the only thing I could think of, is just that I leaned back against the wall and that's when it went off." I specifically asked if the firearm or holster struck the wall. He advised me he believed the "gun hit the wall," which caused the firearm to discharge.

We again discussed his "habit" of moving the safety bail forward and backward. I asked if he ever removed the firearm from the holster when moving the safety bail forward or backward (for muscle memory purposes). He stated he has done so at his residence. I then asked if he ever removed the firearm from the holster at the school; he could not remember. I asked if he thought it was appropriate to move his safety bail forward and backward in the cafeteria during a lunch period. He paused before he stated, "No."

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Finally, I asked Corporal Cross if he felt as if he violated any of the three alleged policy violations (Commission of a Misdemeanor, Conduct Unbecoming and/or Use and Handling of Weapons). Corporal Cross expressed that he did not violate any of the listed policies. I asked Corporal Cross if he wished to make a closing statement; he referred to his representative, Attorney O'Connor.

During Attorney O'Connor's closing statement, she discussed several aspects of the Major Crimes investigation and referred to a number of other evidentiary items within the Professional Standards case file in order to promote Corporal Cross' theory as fact. Ultimately, Attorney O'Connor claimed the evidence clearly showed that Corporal Cross' firearm discharged when he leaned against the wall located behind him and the accidental discharge was due to a mechanical malfunction.

Investigation:

On Thursday, August 15, 2019, I sent the recorded interview to Transcription Experts. I received the transcript on Monday, August 19, 2019 and placed the corrected transcript into the case file (ATTACHMENT E).

I also received the PowerPoint (ATTACHMENT D) from the Training Division in reference to Attorney O'Connor's request for any information regarding "holster training transition from Glock to Sig Sauer." I contacted Attorney's O'Connor's Office and scheduled a time in which she and Corporal Cross could review the information; the meeting was scheduled for Wednesday, August 28, 2019 at 1000 hours.

On Tuesday, August 27, 2019, I contacted Corporal Cross and requested he bring/wear his duty belt and the boots, he was wearing on the date of the incident, to the interview scheduled for the following day. He advised me the agency took his duty belt after the incident, but he still possessed the boots and stated he would bring them to the interview.

I responded to Forensic Services where I obtained measuring tape that was similar to the tape Forensic Investigator Sievers used at the scene on the date of the incident. On the date of the incident, Sievers used the tape to measure the distance from two different marks on a cafeteria wall to the cafeteria floor; the damage might have been created at the time of the discharge.

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Video surveillance showed Corporal Cross was standing with his back to the wall at the time of the discharge.

During the first interview, Corporal Cross, through his representative, referenced photograph #8203 in order to identify damage to the wall located behind Corporal Cross (at the time of the discharge). Corporal Cross believed the damage was created when the back of his magazine struck the wall. This impact caused his firearm to discharge. Photograph #8202 also captured the same damaged portion of the wall. There is measuring tape in photograph #8202 used to measure the distance between the damaged area of the wall and the cafeteria floor. The distance was measured at approximately 2 feet 7 inches (31 inches) from the cafeteria floor.

Interview: Corporal Jonathan Cross (School Resource Officer)

On Wednesday August 28, 2019 at approximately 1015 hours, I met with Corporal Cross and Attorney O'Connor at the Professional Standards Office. I provided them with the PowerPoint they previously requested for evidence review. I noticed that Corporal Cross was carrying a pair of black shoes/boots. He was wearing tan slacks and a collared shirt, which was tucked in. At approximately 1136 hours, Corporal Cross advised he was prepared for the interview.

The following is a synopsis of the recorded interview (see ATTACHMENT C for the entire interview). Prior to this interview, I placed the measuring tape, I previously obtained from the Forensics Unit, on an interior wall within the Professional Standards Office interview room.

After swearing him in, I provided Corporal Cross with a Safariland paddle holster, an agency issued Sig Sauer P320 firearm (unloaded) and an empty (downloaded) magazine. Corporal Cross advised me the shoes/boots were in the same pair he wore on the date of this incident. I requested Corporal Cross to put his shoes on and clip the paddle holster on his belt. I requested him to place the empty (downloaded) magazine into the magazine well and holster the firearm, which he did. I asked if he positioned the equipment on his person in the manner that was consistent to the positioning of his assigned holster and firearm on the date of the incident. He replied in the affirmative. After he did so, I asked Corporal Cross to stand adjacent to the wall and measuring tape. I measured the distance from the back of the magazine to the office floor; the distance was approximately 4 feet 1 inch (49 inches). I took photographs documenting the measurements (see ATTACHMENT – D).

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Corporal Cross chose not to make a closing statement. I ended the recording after Attorney O'Connor's closing statement; the time was approximately 1147 hours.

Investigation:

After completing the second interview with Corporal Cross, I sent the recording to Transcription Experts. I received the transcript on Wednesday, September 4, 2019. After reviewing and correcting the transcript, I placed the transcript into the case file (ATTACHMENT E). I downloaded the aforementioned photographs (Corporal Cross – 2nd interview) onto CD #3 (ATTACHMENT D). I contacted Attorney O'Connor and asked if she wanted to view the photographs. She stated she would like to review the photographs and she did so the following day, Thursday, August 29, 2019. Corporal Cross was not present; Attorney O'Connor did not make an additional closing statement.

Evidence:

ATTACHMENT A:

Copy: Pasco Sheriff's Office Report #19017921

Copy: Professional Standards Memorandum (Armorer – John Barlow)

ATTACHMENT B:

Copy: Safariland and Amazon Advertisements (Model 6360 Level III – Retention Duty Holster)

Copy: OpCenter Information (REDACTED)

Copy: General Order 26.1 (Initialed by Corporal Cross)

Copy: Florida State Statute 112.532 (Initialed by Corporal Cross)

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ATTACHMENT C:

Copy: DVD #1 (Captured Discharge)

Copy: DVD #2 (Video of A & B Lunches from 04/30/19)

Copy: DVD #3 (A, B & C Lunches from 04/29/19)

Original: DVD #4 (Evidence.com)

Original: CD #1 (Major Crimes Interview with Corporal Cross and Two (2) Notice of Investigations)

Original: CD #2 (Facebook Comments)

ATTACHMENT D:

Original: Attorney Requests

Copy: General Orders (G.O. 1.5 – Use of Force (2), G.O. 1.6 – Firearms and Annex A - G.O. 1.6

Original: Photograph (Corporal Cross' right hand)

Copy: News Articles

Original: Professional Standards Memorandum (Assistant Executive Director of the Sheriff, Chase Daniels

Original: CD #3 (Professional Standards Interviews with Corporal Cross) and Photographs

Original: CD #4 (E-mails, Bay News 9 Article, Training Lesson Plans, Purchasing Information and Sig Sauer Operator Course PowerPoint)

ATTACHMENT E:

Original: Transcripts (Interviews with Corporal Cross)

Pasco Sheriff's Office
PROFESSIONAL STANDARDS
ADMINISTRATIVE INVESTIGATIVE REPORT

Case# IA 2019-015

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Pursuant to State Statute 92.525, I swear or affirm that the contents of this document are true and accurate based upon my personal knowledge, information and belief.

Furthermore, I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in State Statute 112.532 and 112.533, Florida Statutes.

Det. Jay Scott 1507

Jay Scott, Detective -- Professional Standards Unit

JBS

APPROVED DISAPPROVED

ACKNOWLEDGED

DATE

NAME/CJIS

✓

9/6/19

[Signature]
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